

Committed to Excellence in Broadcasting and Education

**Corporate Headquarters**

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**DELIVERY VIA ECFS AND FEDERAL EXPRESS**

NBC Channel 3 - KVBC  
Las Vegas, Nevada  
702-642-3333

NBC Channel 4 - KRNK  
Reno, Nevada  
775-322-4444

NBC Channel 10 - KENV  
Elko, Nevada  
775-322-4444

NBC Channel 7 - KWNV  
Winnemucca, Nevada  
775-322-4444

NBC Channel 3 - KBJN  
Ely, Nevada  
702-642-3333

NBC Channel 9 - KBMO  
Tonopah, Nevada  
702-642-3333

NBC Channel 11 - KYMA  
Yuma, Arizona  
928-782-1111

NBC Channel 6 - KPVI  
Pocatello, Idaho  
208-232-6666

NBC Channel 12 - KTVH  
Helena, Montana  
406-457-1212

NBC Channel 9 - KBBJ  
Havre, Montana  
406-457-1212

NBC Channel 13 - KBAO  
Lewistown, Montana  
406-457-1212

NBC Channel 13 - KCWY  
Casper, Wyoming  
307-577-0013

NBC Channel 13 - KCHY  
Cheyenne, Wyoming  
307-577-0013

NBC Channel 2 - KJWY  
Jackson, Wyoming  
307-733-2066

NBC Channel 7 - KSWY  
Sheridan, Wyoming  
307-577-0013

FOX Channel 35 - KXTF  
Twin Falls, Idaho  
208-733-0035

Ms. Nazifa Sawez  
Federal Communications Commission  
Room 2-A726  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: **TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST MB Docket No. 05-317**  
**Ruby Mountain Broadcasting Company, KENV(TV), Elko, NV (Facility #: 63845)**

Dear Ms. Sawez:

Ruby Mountain Broadcasting Company ("Ruby Mountain"), a subsidiary of Sunbelt Communications Company, the licensee of KENV(TV), Elko, Nevada requests a waiver of Section 339(a)(2)(D) of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA") regarding digital signal strength tests to receive distant digital signals.

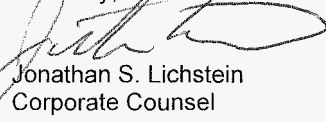
KENV(TV), an NBC affiliate licensed to the small rural community of Elko, NV, is located within the Salt Lake City, Utah DMA. KENV(TV) is nearly 230 miles from Salt Lake City and is in the Pacific Time zone. Although both Direct Broadcast Satellite ("DBS") providers offer customers local-into-local service from affiliates based in Salt Lake City, UT, KENV(TV) is not included in the Salt Lake City local channel package.

Section 339(a)(2)(D)(viii)(I-VI) of SHVERA provides a list of factors used in determining waiver requests. Among the factors considered is *force majeure*. In its initial channel election, Ruby Mountain made an election to "flash cut" to digital operations on its analog channel. (See BFRECT-20050124AJU) Ruby elected to switch to digital operations at the end of the transition because it lacked the financial resources to operate an analog and digital facility. KENV(TV) is the only over-the-air network broadcast affiliate serving the community. Allowing DBS customers to seek distant digital signals will place the availability of free over-the-air programming in this small, rural community in jeopardy.

Therefore, Ruby Mountain respectfully requests a waiver from digital strength tests pursuant to Section 339(a)(2)(D)(vii) for Elko County, Nevada and, specifically, zip codes 89801, 89802, 89803, 89815, 89822, 89823, 89824, 89825, 89826, 89828, 89830, 89831, 89832, 89833, 89834, 89835, 89883.

Please feel free to contact me if you have any questions.

Sincerely,

  
Jonathan S. Lichstein  
Corporate Counsel

Other Sunbelt Companies



Las Vegas Locations  
Rainbow and 95 North  
West Sahara and Paseo del Prado  
Stephanie and Warm Springs  
Rampart and West Charleston

